

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2008 APR -9 P 1:00

SENSITIVE

2008 APR -8 P 2:31

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

April 7, 2008

Thomasenia P. Duncan
General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

MUR # 5989

Dear Ms. Duncan:

On behalf of the Jared Polis for Congress campaign, I am writing to bring to your attention a possible gross violation of federal campaign finance law by Shafroth for Congress and its Treasurer, Stanley Garnett (hereinafter collectively referred to as "Shafroth Campaign"). Based upon a review of disclosure reports filed with the Federal Election Commission ("FEC"), it appears that the Shafroth campaign has knowingly and willfully filed false reports with the FEC.

Our campaign has reviewed three reports filed by the Shafroth campaign with the FEC to this point. In those reports, we have discovered forty-seven occurrences where the committee has disclosed the occupation and employer of its donors as "community volunteer." In our view, such a prevalent use of this term raised an immediate "red flag." Our committee has reviewed the FEC's donor database to see if these individuals had been previously reported as donors to other campaigns and whether those donors had been disclosed as a "community volunteer" by those campaigns. Our research has shown that several of these individuals had easily discernable occupation and employers other than "community volunteer." Therefore, it is our belief that the committee may have knowingly and willfully falsified its reports to either hide the fact that it has not complied with the Commission's best efforts regulations or to fraudulently hide disclosure of these donors' true occupation and employer.

Specifically, a cursory research found the following examples: Mary Kobey is listed on the Shafroth for Congress FEC report as a "community volunteer." Yet, on the Hillary Clinton for President FEC report her occupation is listed as a developer and her employer as herself. Likewise, on the Udall for U.S. Senate FEC report her occupation is listed as real estate and her employer as herself. Pamela Troyer is listed on the Shafroth

14721245082

for Congress FEC report as a "community volunteer," while on Mark Udall's report for his U.S. Senate campaign, her occupation is reported as a professor and her employer as the University of Colorado. Likewise her profession is listed as a professor at the University of Colorado on the Hillary Clinton for President FEC filing. Her profession is listed on Ken Salazar for U.S. Senate in December of 2007 as a professor at the University of Colorado. Elizabeth Fink is listed on the Shafroth for Congress FEC report as a "community volunteer," while on the FEC report filed by EMILY's List this election cycle, her occupation is reported as co-chairman of Marshall Street Management.

The filing of a false or incorrect report is a very serious violation of the Federal Election Campaign Act ("FECA"). The FECA requires that a committee report the name, address, occupation and employer of any donor who contributes, in the aggregate, in excess of \$200 in an election cycle. 2 U.S.C. §§ 431(14) & 434(b)(3)(A). Furthermore, Commission regulations require a committee to make a request for occupation and employer when a contribution is solicited and require a follow-up request if such information is not provided at the time of the contribution. 11 C.F.R. § 104.7.

The requirement to properly disclose information regarding donors to a congressional campaign is one of the core provisions of the FECA. It is essential to voters, reporters and political observers who monitor ethics in campaigns to have a proper, accurate and truthful accounting of information provided on reports filed with the FEC.

Thus, the reporting provisions are an essential part of the campaign finance laws. The Justice Department describes them as follows:

A treasurer who submits information concerning contributions and expenditures to the FEC, knowing the information to be false, violates 18 U.S.C. § 1001. A person involved in a transaction reportable under FECA who attempts to disguise it, or misrepresents its source, purpose or amount, "willfully causes" the treasurer of the recipient committee to furnish false information concerning transaction to the FEC in violation of 18 U.S.C. § 2(b) and 1001.

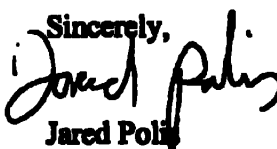
Federal Prosecution of Election Offenses, Seventh Edition (2007), p. 185.

It is our belief that the Shafroth campaign may have knowingly and willfully falsified its reports by supplying a false occupation and employer for several of its donors. It is our belief that this may have occurred because the committee had an interest in concealing the true identity of these donors or that it may have been done to conceal the fact that it had not undertaken "best efforts" to obtain this information.

Our committee requests that the FEC take steps to immediately investigate this potentially knowing and willful act of filing what we believe to be false reports with the Commission by the Shafroth campaign. The Commission should require the Shafroth campaign to demonstrate that these individuals provided "community volunteer" as an actual occupation and employer themselves and demonstrate that it did not deliberately provide this information to the Commission contrary to or in the absence of information

provided by the donor. Furthermore, the Commission should promptly investigate whether the committee is in compliance with its "best efforts" regulations that require several steps be taken to ensure the collection and proper disclosure of an individual's occupation and employer.

Further, based upon the nature of this violation as a violation of a core provision of the FECA, the committee requests that if the Commission determines that the Shafroth campaign knowingly and willfully provided false or fraudulent reports to the Commission, that it considers a referral of any reporting violation to the United States Department of Justice for further review. Thank you for your prompt attention to this matter.

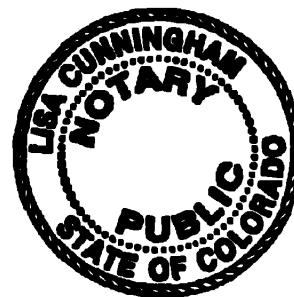
Sincerely,

Jared Polis

Subscribed and sworn to before me on this 7th day of April, 2008.

Notary



My commission expires July 8, 2010



28044212243